

October 1, 2009

Mr. Jerry Keck
Administrator
Montana Department of Labor and Industry
Employment Relations Division
P.O. Box 8011
Helena, MT 59604-8011

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EMPLOYMENT RELATIONS DIVISION

Dear Mr. Keck:

It is our understanding that your state is currently considering the adoption and utilization of the Official Disability Guidelines (ODG) for your workers' compensation program. On behalf of the thirty-six spine surgeons from across the country who have joined me in signing this letter, I submit to you our position in opposition to the Official Disability Guidelines. These guidelines are seriously insufficient and prohibit injured workers from accessing appropriate care.

Due to the nature of our practices, it stands to reason that we are particularly interested and concerned with the Low Back guidelines and the Neck & Upper Back guidelines. We have thoroughly reviewed these guidelines and have identified problematic issues that have served to eliminate our confidence in the ODG product.

While we recognize the value of ODG as a potential cost-saving measure, that value is overshadowed by ODG's failure to include comprehensive and up-to-date published research, the tenuous link between the cited evidentiary support and the resulting recommendations, and the evident bias against surgical interventions that is inconsistent with standard clinical practices.

We have identified multiple weaknesses that contribute to making these guidelines inappropriate for adoption and utilization for lumbar and cervical procedures. For the sake of brevity, we mention just a few of the insufficiencies:

- Several ODG recommendations for surgical procedures are inconsistent with standard clinical practices and severe bias against surgical interventions is evident;
- The formula for ranking studies is inconsistent and questionable, resulting in recommendations without sufficient or appropriate support;

- Over 70 valid, high-level studies have been omitted in the cervical and lumbar sections reviewed; the methods for literature search and article selection are unclear;
- The organization of the document is haphazard, frequently the narrative includes statements taken out of context or 'cherry-picked' and at times the narrative only addresses one side of a conflict in evidence; and
- Irrelevant and incorrect cites are apparent throughout the lumbar and cervical sections, further weakening the resulting recommendations.

The implications of the errors in these guidelines are far-reaching. When access to care for injured workers is being denied based on the arbitrary and unsupported recommendations from ODG, any gain from attempted cost-saving measures is lost.

We appreciate the opportunity to comment on your pending decision regarding treatment guidelines in your state. We stand at the ready to help navigate the selection process to ensure the adoption of an appropriate spinal treatment guideline that provides the necessary access to care that injured workers deserve. If you have any questions concerning this commentary, please feel free to contact me or any of the undersigned surgeons.

Sincerely,



Dr. Matthew F. Gornet

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